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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-
S-06-10725 LBR

**USACM TRUST'S
WITHDRAWAL OF OBJECTION
TO PROOF OF CLAIM FILED BY
THE DON P. MARSHALL TRUST**

**Hearing Date: August 21, 2009
Time: 9:30 a.m.**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

The USACM Liquidating Trust ("USACM Trust"), filed the Twenty-Second Omnibus Objection for Lack of Documentation [DE 7260]. The Objection requested that numerous claims, including Proof of Claim No. 10725-02482 filed by the Don P. Marshall Trust, be disallowed because they lack supporting documentation. The matter is scheduled for hearing on August 21, 2009.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.



1 Mr. Marshall contacted the USACM Trust and provided documentation to support
2 the claim. Accordingly, the USACM Trust withdraws its objection based on lack of
3 documentation as to Proof of Claim No. 10725-02482 filed by the Don P. Marshall Trust,
4 but reserves the right to object at a later date, or re-assert this objection after a review of
5 the documentation provided.

6 Respectfully submitted August 17, 2009

7 **LEWIS AND ROCA LLP**

8 By: s/John Hinderaker (#018024)

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12 Las Vegas, Nevada 89169-5996

13 *Counsel for USACM Liquidating Trust*

14 Copy of the foregoing mailed on
15 July 27, 2009, to:

16 Don P. Marshall Trust
17 c/o Don P. Marshall, Trustee
18 221 Chiquita Road
19 Healdsburg, CA 95448-9055

20 s/Renee Creswell